

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

VICENTE CORTEZ,

Plaintiff,

V.

PHARIA, L.L.C.,

Defendant

CASE NUMBER: 4:10-cv-05068

NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. §§ 1331, 1446

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION:

Defendant Pharia, L.L.C. ("Pharia") removes this action to the United States District Court for the Southern District of Texas, Houston Division, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. In support of removal, Plaintiff states the following:

1. On November 12, 2010, Plaintiff filed this action against the Defendant in the County Court at Law No. 2 of Harris County, Texas, case number 977683. At the time of filing, the Plaintiff's Petition (Complaint) stated a federal cause of action giving rise to federal court jurisdiction. *See* 15 U.S.C. 1692k(d).

2. Pursuant to 28 U.S.C. § 1446(a), copies of all process and pleadings filed in this action are attached hereto as Exhibit A and are incorporated herein by reference as if fully set forth.

3. On November 29, 2010, Defendant Pharia was served with process in the aforementioned action.

4. Defendant is filing this Notice of Removal timely under 28 U.S.C. § 1446, as thirty days have not elapsed since the time Pharia was served with process, and the filing and

service of this notice of removal.

5. This case is properly removed to the United States District Court for the Southern District of Texas under 28 U.S.C. § 1441(a) and 28 U.S.C. § 113(a).

6. After filing this Notice, a copy of the original Notice of Removal will be served on Defendant and filed with the Clerk of the County Court at Law No. 2 of Harris County, Texas, where this case was originally filed, as required by 28 U.S.C. § 1446(d).

JURISDICTION

7. The United States District Court for the Southern District of Texas has original jurisdiction over Plaintiff's claim. Therefore, this action may be removed to this Court pursuant to 28 U.S.C. § 1446.

8. Nothing in this Notice of Removal shall be interpreted as a waiver or relinquishment of Plaintiff's rights to assert any defense or affirmative matter including, without limitation, the defenses of (1) failure to state a claim; or (2) any other procedural or substantive defense available to the Counterclaim under state or federal law.

Dated: December 17, 2010

Respectfully Submitted,

/s/ Jason D. Anderson
Jason D. Anderson
Texas Bar #24071946
Weinstein & Riley, P.S.
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Seattle, WA 98121
(206)-269-3490
(206)-269-3493 (fax)
Attorney for Defendant Pharia, LLC

CERTIFICATE OF SERVICE

The undersigned certifies that on December 17, 2010, a copy of the foregoing was mailed to the following via first-class U.S. Mail, Postage Prepaid:

Lu Ann Trevino
13201 Northwest Freeway, Suite 800
Houston, TX 77040
713-341-7550 – Tel
888-896-2102 – Fax

By: /s/ Jason D. Anderson
Jason D. Anderson